



CITY OF GLENDALE, CALIFORNIA  
Community Development  
Planning

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&

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**RE: 423 NORTH BRAND BOULEVARD  
ADMINISTRATIVE USE PERMIT NO. PAUP 1727732  
(Alegro Restaurant)**

(see: PPPEX1807657)

Dear Applicants:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an application for an Administrative Use Permit (AUP) to allow the continued on-site sales, service, and consumption of full liquor (Type 47) at an existing full service restaurant (Alegro Restaurant) in the "DSP/GAT" – (Downtown Specific Plan/Gateway district) Zone, located at **423 North Brand Boulevard**, described as Portion of Lot 17, Block 11, Campbell Tract in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) On-site sales, service and consumption of alcoholic beverages requires an Administrative Use Permit in the "DSP/GAT" – (Downtown Specific Plan/Gateway district) Zone.

APPLICANT'S PROPOSAL

- (1) To allow the continued on-site sales, service and consumption of full liquor (Type 47) at an existing full service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for an existing restaurant to provide on-site sales of alcohol with meals. While there is a proposal to utilize an existing balcony and convert an existing storage area within the second floor of the tenant space at the rear of the restaurant for patron dining, these two areas are within the footprint of the existing

building. There are no proposed changes to the façade of the building. A parking exception is being processed concurrently to address the inability to provide the required parking.

After considering the evidence presented with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your request based on the following findings:

#### **REQUIRED/MANDATED FINDINGS**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit *application is approved based on the following:*

**A. That the proposed use will be consistent with the various elements and objectives of the general plan.**

The subject site is located in the DSP/GAT (Downtown Specific Plan/Gateway District) Zone and the General Plan Land Use Element designation is Downtown Specific Plan/Gateway. The DSP/GAT zone is intended to offer a full range of goods and services to the community located along commercial thoroughfares. This zone has a broad list of permitted land uses and includes a full service restaurant. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The proposed on-site sales, service and consumption of full alcohol at the existing restaurant at this location is appropriate in an area of the city zoned for commercial uses and will provide an option for the dining public to enjoy alcoholic beverages with their meals. Alcoholic beverage sales are an administratively permitted use in the DSP/GAT zone; therefore, it is consistent with the land use designation.

The on-site sales, service and consumption of alcoholic beverages at the existing restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Downtown Specific Plan/Gateway where retail and restaurant services along major arterials, such as North Brand Boulevard, are desired. Alegro is located along the western portion of a two-story commercial building constructed in 1955. The subject tenant space was previously occupied by a full service restaurant with on-site sales, service and consumption of beer and wine. The project site is surrounded by other complementary businesses, including retail, restaurant and service type uses. There are no residential uses located within the vicinity.

Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making Glendale a dynamic destination. Given that the project site is already developed and the administrative use permit application only requests the sales, service and consumption of full alcohol at an existing restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the project.

**B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.**

The on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, Alegro restaurant is

located in Census Tract 3018.01, where three on-sale establishments is the recommended limit. There are twelve on-sale licenses and Alegro is one of the twelve. Based on Part 1 crime statistics for this Census Tract, there were 208 crimes reported in the census tract, which is above the citywide average of 194. Restaurants frequently serve alcoholic beverages as part of their food service and such service is not associated with public drunkenness or other alcohol-related crimes. Within the last calendar year there were no calls for service at this location. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Furthermore, the recommended conditions of approval would ensure that there are no negative impacts to the public health, safety, general welfare or the environment.

**C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.**

The on-site sales, service and consumption of alcoholic beverages at the existing full-service restaurant is not anticipated to be detrimental to the community or adversely conflict with the community's normal development. The consumption of alcoholic beverages with food at a full-service restaurant will not conflict with the adjacent land uses because it is ancillary to the primary restaurant use. A restaurant has operated at this location without any major incident for six years. The restaurant will be open seven days a week from 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to 2:00 a.m. Friday and Saturday. With the attached conditions of approval, the request to allow the sales, service and consumption of full alcoholic beverages at a full service restaurant for on-site consumption is not anticipated to adversely conflict with surrounding properties.

**D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.**

The applicant's request to serve full alcohol at the existing restaurant will not result in inadequate public or private facilities. Alegro is one of two tenants in the existing commercial building. A total of two (2) parking spaces, with non-conforming landscaping, are provided on-site. The existing full service restaurant with on-site sales, service and consumption of alcoholic beverages should not result in a significant increase in utility use. The applicant is proposing to utilize an existing 1,108 square-foot balcony as well as convert an existing 630 square-foot storage area into dining areas. This additional 1,738 square-foot dining area requires nine additional parking spaces, which the applicant is unable to provide onsite. A parking exception application has been filed concurrently with this application to address the shortfall in the required parking spaces. The existing restaurant including the expansion, with alcohol service will not result in inadequate parking. Adequate public and private facilities such as utilities exist. North Brand Boulevard is identified as a major arterial in the city's Circulation Element and this street can adequately handle the existing traffic circulation adjacent to the site.

**REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION**

That all the criteria set forth in Section 30.49.030 to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

- 1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal, as noted in Finding B above.
- 2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that a full service restaurant with the sales, service, and consumption of alcoholic beverages in this location has or would encourage or intensify crime within the district, as noted in Finding B above.
- 3) That such use will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use), as noted in Finding C above.
- 4) That the proposed use satisfies its transportation or parking needs as described in Finding D above, subject to the approval of the parking exception.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the operation of this restaurant with alcoholic beverage on-site sales, service, and consumption, as described in Finding A above.

## **CONDITIONS OF APPROVAL**

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**APPROVAL** of this Administrative Use Permit shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
5. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
6. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.



7. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
9. That alcoholic beverages shall be served only in conjunction with the consumption of food.
10. That no speaker systems shall be installed on the exterior of the building.
11. That the use of the dance floor is subject to a separate permit and shall not exceed 180 square feet at any time. The public dancing permit shall reflect the 180 square feet limitation.
12. That no live entertainment shall be permitted without obtaining a “Live Entertainment Permit.” No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided.
13. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.
14. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
15. That the restaurant shall remain open to the public during business hours as a full service restaurant.
16. That the hours of operation shall be limited to 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to 2:00 a.m. Friday and Saturday.
17. That the service of alcoholic beverages is limited to 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 1:00 a.m. Friday and Saturday.
18. That the premises shall be operated in full accord with applicable State, County, and local laws.
19. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
20. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.

21. That the premises shall be maintained as a full service restaurant and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times and in all areas of the premises during normal operating hours.
22. That there shall be no bar or lounge area on the premises used solely for the purpose of sales, service or consumption of alcoholic beverages by patrons.
23. That the establishment shall not exceed fifty (50) percent of gross revenues from the sale of alcoholic beverages. If this happens, the classification of the business will change from a full service restaurant to a “tavern” and will require a separate administrative use permit. Taverns include bars, pubs, cocktail lounges and similar establishments.
24. That the restaurant adheres to the City’s Fresh Air (smoking) Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code. The use of hookahs shall also be subject to compliance with Title 8, Chapter 8.52.
25. That any expansion or modification of the facility in addition to this subject proposal or use which intensifies this Administrative Use Permit (AUP) shall require a new Administrative Use Permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.
26. That a Business Use Certificate shall be applied for and issued for a full service restaurant with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
27. That the applicant comply with the conditions of approval from Parking Exception Case No. PPPEX 1807657 dated December 6, 2018.
28. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL JANUARY 4, 2029.**

#### **APPEAL PERIOD**

The applicant’s attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission, if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal

forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **January 22, 2019**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

**APPEAL FORMS available on-line:** <http://www.glendaleca.gov/appeals>

### **TRANSFERABILITY**

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

### **VIOLATIONS OF THESE CONDITIONS**

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

### **REVOCAION, CONTINUING JURISDICTION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

### **GMC CHAPTER 30.4 PROVIDES FOR**

#### Termination

Every right or privilege authorized by an administrative use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

#### Extension

An extension of the administrative use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within

the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative use permit.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

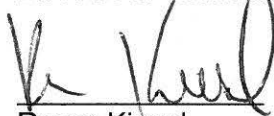
**NOTICE – subsequent contacts with this office**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Bradley Collin at (818) 548-2140 or bcollin@glendaleca.gov

Sincerely,

Philip Lanzafame  
Director of Community Development



Roger Kiesel  
Senior Planner

RK:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner - Bradley Collin.